THE MYSORE HOUSE RENT AND ACCOMMODATION CONTROL ACT, 1951.

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MYSORE ACT NO. XXX OF 1951.

THE MYSORE HOUSE RENT AND ACCOMMODATION CONTROL ACT, 1951.

(As amended by Act 22 of 1954)

(Received the assent of the President on the 16th day of August 1951.)

An Act to regulate the leasing of houses and for control of rent in the State of Mysore.

Preamble.

WHEREAS it is expedient to regulate the letting of residential and non-residential houses and to control the rents of such houses and to prevent unreasonable eviction of tenants therefrom in the State of Mysore ;

It is hereby enacted as follows :—

Short title, extent, application, commencement and duration.

1. (1) This Act may be called the Mysore House Rent and Accommodation Control Act, 1951.

(2) It extends to all the areas to which the Mysore House Rent and Accommodation Control Order, 1948, was extended and to such other areas in the State as the State Government may, from time to time, specify by notification in the *Mysore Gazette* ; but save as provided in section 23, it shall not apply—

(*a*) to any house belonging to the State Government or the Central Government ; or

(*b*) to any tenancy or other like relationship created by a grant from the State Government in respect of houses taken on lease or requisitioned by the State Government.

(3) It shall come into force at once.

[1][(4) It shall cease to have effect on the first day of January 1957, except as respects things done or omitted to be done before that date, and section 6 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899), shall apply upon the expiry of this Act as if it had then been repealed by a Mysore Act.]

1. Inserted by Act 22 of 1954.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Controller" means, in respect of any local area, any person appointed by the State Government to perform the functions of the Controller, under this Act in such area;

[1][(2) 'court' means, in respect of any local area, any court of Munsiff which may be specially authorised by the State Government by notification in the *Mysore Gazette* in this behalf; or where no court of Munsiff is so authorised the court of the Munsiff having territorial jurisdiction in such area;]

(3) "fair rent" means the fair rent fixed under section 4;

(4) "house" means, in the areas specified in the First Schedule, any building or part of a building let or to be let separately, for residential or non-residential purposes, and elsewhere, any building or part of a building let or to be let only for residential purposes and includes—

(*a*) the garden, grounds and out-houses, if any, appurtenant to such building, or part of such building and let or to be let along with such building;

(*b*) any furniture or fittings supplied by the landlord for use in such building or part of a building but does not include a room in a hotel or boarding house;

(5) "landlord" includes the person who is receiving or is entitled to receive the rent of a house, whether on his own account or on behalf of another or on behalf of himself and others, or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive the rent or be entitled to receive the rent, if the house were let to a tenant;

[1][*Explanation.*—Any tenant who sublets shall be deemed to be a landlord within the meaning of this Act in relation to the sub-tenant.]

1. Substituted by Act 22 of 1954.

(6) "local authority" means the City of Bangalore Municipal Corporation or a Trust Board or a District Board or a City Municipal Council or a Town Municipal Council [1]* * * * or a Sanitary Board or a Town Board or a Village Panchayet as the case may be;

[2][(6*a*) 'member of his family' when used with reference to a landlord means his son or daughter or father or mother and where the landlord is a member of a joint Hindu family also his undivided brother or such brother's widow who has not remarried;]

(7) "prescribed" means prescribed by rules made under this Act;

(8) "schedule" means a schedule to this Act.

(9) "tenant" means any person by whom or on whose account rent is payable for a house and includes [2][the surviving spouse or any son or daughter of a deceased tenant who had been living with the tenant in the house as a member of the tenant's family up to the death of the tenant and] a person continuing in possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a house by its tenant or a person to whom the collection of rents or fees in a public market, cart-stand or slaughter-house or of rents for shops has been farmed out or leased by a local authority.

Lease of houses becoming vacant.

[3][**3.** (1) (*a*) Except as hereinafter provided in this section, no person shall let, occupy or otherwise use, any house in the areas specified in the Second Schedule.

(*b*) For the purposes of this section—

(i) notwithstanding anything to the contrary contained in clause (4) of section 2, 'house' includes a building or part of a building used or to be used for residential or non-residential purposes;

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1. The words "or a Minor Municipal Council" omitted by Act 22 of 1954.
2. Inserted by Act 22 of 1954.
3. Sections 3, 3A and 3B substituted by Act 22 of 1954.

(ii) any house newly constructed or reconstructed shall be deemed to have become vacant as soon as it is fit for occupation.

(2) (*a*) Every landlord shall, within seven days after the house becomes vacant by his ceasing to occupy it, or by the termination of the tenancy or by the eviction of the tenant or by the release of the house from requisition, or otherwise, give intimation to the Controller containing such particulars as may be prescribed.

(*b*) Nothing in clause (*a*) shall apply to a house--

(i) in respect of which the landlord has obtained an order for possession on any of the grounds specified in sub-section (3) of section 8, or

(ii) which has been released from requisition for the occupation of the landlord or of a member of his family, or

(iii) which has been newly constructed or reconstructed for the occupation of the landlord or of a member of his family :

Provided that if the landlord or the member of his family concerned does not occupy the house within two months from the date of obtaining possession or the completion of construction or reconstruction, as the case may be, the landlord shall immediately after the said period of two months give intimation to the controller in accordance with the provisions of clause (*a*) and for this purpose the house shall be deemed to have become vacant on the date of the intimation.

Explanation:—In this clause 'occupation of the landlord' with reference to a house held on behalf of a beneficiary by any trustee, executor, administrator, receiver or guardian means occupation of such beneficiary.

(*c*) If the intimation given under clause (*a*) is, in the opinion of the Controller, materially defective, he may, within seven days from the date of receipt of such intimation, direct the landlord to give a true and correct intimation in the prescribed form and the landlord shall comply with the direction of the Controller within four days from the date of receipt of the communication from the Controller.

(3) (*a*) On receipt of the intimation under sub-section (2), the Controller shall, taking into consideration any representation made by the landlord and after making such inquiry as he considers necessary, select the State Government or the Central Government or the Government of any other State in India, or any local authority or any educational or other public institution or any officer of any Government, authority or institution, aforesaid, or any other person (hereinafter referred to as the 'allottee'), to be inducted as a tenant in the house and direct the landlord by a written order (hereinafter referred to as the 'allotment order') to let the house to such allottee at such rent as shall be specified in the allotment order and to deliver possession of the house to the allottee on such date as shall be specified in the said order:

Provided that before making an allotment order in favour of any authority or person, other than the State Government, the Central Government or the Government of any State in India or a local authority, the Controller shall consider any representation of the landlord about the suitability of the proposed tenant and shall not allot the house to any person who, in the opinion of the Controller, is an unsuitable tenant:

Explanation.—For the purposes of this proviso a person shall be deemed to be an unsuitable tenant,

(i) if he has been previously evicted from any house under section 7C or on the ground specified in clause (i) of sub-section (2) of section 8, and the arrears of rent due in respect of such house remains unpaid; or

(ii) if he has been previously evicted from any house on the ground specified in clause (iv) of sub-section (2) of section 8 or on the ground that he had been using the house or allowing the house to be used for immoral or illegal purposes:

Provided further that in respect of a house referred to in paragraph (i) of clause (*b*) of sub-section (2) if the tenant who has been evicted under sub-section (3) of section 8 is willing to occupy the house, the Controller shall make an allotment order in his favour:

Provided further that in cases other than those referred to in clause (*b*) of sub-section (2), if the landlord has

made any representation that he needs the house for his own occupation or for the occupation of a member of his family, the Controller shall, if satisfied, after due enquiry, that the house is so needed, by written order permit such occupation :

Provided further that the rent specified in the allotment order shall not be less than—

(i) the fair rent, if any, fixed for the house under the provisions of this Act ; or

(ii) if no fair rent has been fixed for the house, the rent last paid for the house ; or

(iii) If no rent was last paid, the rent determined by the Controller on the basis of the rental value of the house as entered in the property tax assessment book of the local authority; or

(iv) if no property tax has been assessed in respect of the house, the rent determined by the Controller on the basis of the prevailing rates of rent in the locality for similar houses in similar circumstances:

Provided also that unless the rent specified in the allotment order is the fair rent of the house, the tenant or the landlord shall be entitled to apply for fixation of fair rent in respect of the house.

(*b*) Notwithstanding anything contained in clause (*a*), no allotment order shall be made by the Controller unless—

(i) the allottee has made an application in the prescribed form to the Controller for allotment of a house for his use or occupation ;

(ii) the allottee deposits with the Controller an amount equal to one month's rent of the house to be allotted ; and

(iii) the Controller is satisfied that the allottee is not occupying or for reasonable cause cannot occupy a house which is his own (or to the possession of which he is entitled) and which is suitable for his requirements :

Provided that nothing in this clause shall apply to an allotment order in favour of the State Government or the Central Government, or the Government of any other State in India or a local authority.

(*c*) If within fifteen days from the date of receipt of an intimation by the Controller under clause (*a*) of sub-section (2) or where such intimation is materially defective, within fifteen days from the date of receipt by the Controller of a true and correct intimation under clause (*c*) of sub-section (2), as the case may be, no allotment order is served on the landlord, the landlord, shall be at liberty to use or deal with the house as he may think fit.

(4) Where intimation is given under sub-section (2) to the Controller, the landlord shall not let the house to a tenant or occupy it himself or use or permit the use of the house in any manner by any other person before the expiry of the period of fifteen days specified in sub-section (3), unless in the meantime he has received an order from the Controller that the house may be used or dealt with as the landlord thinks fit.

(5) (*a*) Upon the service of an allotment order under sub-section (3), the landlord shall deliver possession of the house to the allottee concerned on the date specified in the said order and such allottee shall be deemed to be the tenant of the landlord with effect from the date on which the Controller received a true and correct intimation under sub-section (2), at the rate of rent specified in the allotment order [and subject to the fifth proviso to clause (*a*) of sub-section (3)], the other terms of the tenancy being such as may be agreed upon between the landlord and the tenant, or in default of agreement as may be determined by the court.

(*b*) On the delivery of the possession of the house to the allottee under clause (*a*), the Controller shall pay to the landlord the amount, if any, deposited by the allottee under clause (*b*) of sub-section (3), and such amount shall be deemed to be payment by the tenant to the landlord towards advance of rent.

(6) (*a*) Where an allottee fails to take delivery of possession of the house on the date specified in the allotment order under sub-section (3), the house shall be deemed to have become vacant from that date and the landlord shall again give intimation of the vacancy to the Controller under sub-section (2) and the provisions of this section shall apply to the house.

(*b*) On receipt of an intimation under clause (*a*), the Controller shall pay to the landlord out of the amount, if any, deposited by the first allottee under clause (*b*) of sub-section (3), the rent of the house for the period from the date of intimation of vacancy by the landlord till the date specified in the allotment order as the date for delivery of possession of the house, and the balance, if any, shall be forfeited to the State Government.

(7) Any house taken on lease by the State Government under this section may be put to any such use as the State Government thinks fit, and in particular, the State Government may permit the use of the house for the purpose of any public institution or of a local authority or of the Central Government or of any other State Government or as a residence of any officer in the service of the State Government or of the Central Government, or of any other State Government or of a local authority.

(8) (*a*) The Controller or any prescribed officer may summarily dispossess any landlord who fails to deliver to the allottee concerned possession of any house in respect of which such allottee is deemed to be the tenant by virtue of this section, and take possession of the house including any portion thereof in the occupation of any person and deliver possession thereof to the allottee concerned ; and thereupon notwithstanding anything contained in sub-section (4), the allottee concerned shall be deemed to be the tenant of the landlord with effect from the date of delivery of possession of the house to such allottee.

(*b*) If free access to the house is not afforded to the Controller or the prescribed officer under clause (*a*), he may, after giving reasonable warning and facility to withdraw to any woman not appearing in public according to the customs of the country, remove or open any lock or bolt or break open any door or do any other act necessary for effecting such dispossession.

(*c*) Any landlord or other person liable to be summarily dispossessed under clause (*a*), shall pay to the State Government the expenses, if any, incurred by the State Government in effecting such summary dispossession, as may be determined by the Controller ; and the amount payable to the State Government shall be recoverable as arrears of land revenue.

(*d*) No appeal shall lie against any action of the Controller or the prescribed officer under this sub-section.

(9) Nothing contained in this section shall apply—

(i) to a residential house the monthly rent of which does not exceed rupees fifteen per month or the annual rental value of which does not exceed one hundred and eighty rupees ; or

(ii) to a non-residential house the monthly rent of which does not exceed twenty-five rupees or the annual rental value of which does not exceed three hundred rupees ; or

(iii) to any house in the same city, town or village owned by any company, association or firm, whether incorporated or not, and *bona fide* intended solely for the occupation of its officers and servants.

Eviction by the Controller.

3-A. (1) Where in acccordance with the provisions of section 3, the vacancy of any house is required to be intimated to the Controller and is not so intimated, and the Controller believes or has reason to believe that any person has in contravention of section 3, occupied the house or any part thereof, he may, by notice in writing, call upon the person in occupation to show cause, within a time to be fixed by him, why he should not be evicted therefrom :

Provided that no notice under this sub-section shall be issued if the Controller is of opinion that there has been undue delay or it is otherwise inexpedient to issue such notice.

(2) If the person to whom a notice is issued under sub-section (1) fails to appear before the Controller, or having appeared, fails to satisfy the Controller that he is entitled to remain in occupation of the house, the Controller may, without prejudice to any other action which may be taken against him under this Act or under any other law for the time being in force, direct him by order in writing to vacate the house within such period as shall be specified in the order and deliver possession thereof to the Controller.

(3) (*a*) Upon the service of an order under sub-section (2), the person against whom the order is made and every

person claiming under him shall vacate the house and deliver possession thereof to the Controller. If the house is not vacated and its possession delivered to the Controller within the period specified in the order, the Controller may summarily dispossess the persons in occupation and take possession of the house, and thereupon the provisions of section 3 shall apply to the house as if intimation of vacancy of the house was given to the Controller on the date on which he took possession of it.

(*b*) The provisions of clauses (*b*), (*c*) and (*d*) of sub-section (8) of section 3 shall apply to any action by the Controller under clause (*a*).

Restriction on sale or hire of furniture in any house let to a tenant.

3-B. (1) No person shall make the purchase or hire of any furniture in any house, a condition of the grant, renewal or continuance of a tenancy of such house and no person shall sell or hire the furniture in any house of which he is the landlord to the tenant of such house, except under a permit in the prescribed form from the Controller and such permit shall not be given unless the price or hire is reasonable.

(2) Where any house is let at a rent which includes payment in respect of the use of furniture the Controller may, on application of the tenant made within six months of the beginning of the tenancy and in the case of tenancies in force on the date of commencement of the Mysore House Rent and Accommodation Control (Amendment) Act, 1954, on application of the tenant made within six months from the date of such commencement, reduce the portion of the rent which according to the Controller was added in respect of the furniture, to a fair and reasonable amount if he finds that such portion of the rent was unduly high; and the resultant rent of the house shall be stated by the Controller and shall be deemed to be the fair rent fixed under section 4.]

Determination of fair rent.

4. (1) The Controller may, in any case, and shall, on the application of the tenant or landlord of a house, fix the fair rent for such house after holding such enquiry as the Controller thinks fit :

Provided that if rent had been agreed upon between the landlord and the tenant for a specific period either

by a written agreement or otherwise prior to the sixteenth day of June, 1942, in the case of a house let for residential purposes, or the seventeenth day of September, 1944, in the case of a house let for non-residential purposes, such rent shall not be altered during such period, unless the Controller is satisfied that unfair advantage has been taken by the landlord of the needs of the tenant to obtain such agreement :

Provided further that no application for fixation of fair rent shall be entertained if preferred after a period of three months from the date of commencement of the tenancy or from the date of enhancement of rent, if any, [1][demanded and paid :]

Provided further in the case of any lease entered into prior to the date of the commencement of this Act any tenant or landlord—not otherwise prevented by any of the provisions of this Act—may apply within three months from the date of commencement of this Act to have the fair rent of the building fixed under this section.

(2) In fixing the fair rent under sub-section (1), the Controller shall have due regard—

(*a*) to the prevailing rates of rent in the locality for the same or similar house in similar circumstances during the twelve months prior to the first day of April, 1942 ;

(*b*) to the rental value as entered in the property tax assessment book of the local authority relating to the period mentioned in clause (*a*) ;

(*c*) to the circumstances of the case, including any amount paid by the tenant by way of premium or any other like sum in addition to rent after the first day of April, 1942.

(3) In fixing the fair rent of residential houses, the Controller may allow--

(i) if the rate of rent or rental value referred to in sub-section (2) does not exceed Rs. 25 per mensem, an increase not exceeding $33\frac{1}{3}$ per centum on such rate or rental value ;

1. Substituted by Act 22 of 1954.

(ii) if the rate of rent or rental value exceeds Rs. 25 per mensem but does not exceed Rs. 50 per mensem, an increase not exceeding 50 per centum on such rate or rental value;

(iii) if the rate of rent or rental value exceeds Rs. 50 per mensem, an increase not exceeding 75 per centum on such rate or rental value.

(4) In fixing the fair rent of non-residential houses, the Controller may allow—

(i) in the case of hotels, cinema theatres and other places of amusement, an increase not exceeding 200 per centum on the rate of rent or rental value referred to in sub-section (2);

(ii) in other cases an increase not exceeding 150 per centum on the rate of rent or rental value referred to in sub-section (2).

(5) In the case of a house which has been constructed after the first day of April, 1942, the fair rent fixed shall not exceed six per centum per annum on the capital cost of the house and in the case of any other house, the fair rent fixed, shall not exceed four per centum per annum of the current market value of the house.

Lawful increase of or addition to or reduction in fair rent in what cases admissible.

5. (1) When the fair rent of a house has been fixed under section 4, no further increase in such fair rent shall be permissible except in cases where some addition, improvement or alteration has been carried out at the landlord's expense and if the house is then in the occupation of a tenant, at the request of such tenant, or the rental value as entered in the property tax assessment book of the local authority has been increased:

Provided that an increase in fair rent under this sub-section shall be fixed having regard to the said increase in the rental value, and in the case of any addition, improvement or alteration, not exceeding six per centum per annum on the cost of such addition, improvement or alteration, and it shall not be chargeable until such addition, improvement or alteration has been completed.

(2) Where the landlord pays in respect of any house any charge for electricity or water consumed in the

house, or any other charge levied by a local authority having jurisdiction in the area which is ordinarily payable by the tenant, he may recover from the tenant any amount so paid by him; but no landlord shall recover from his tenant, whether by means of an increase in rent or otherwise, the amount of any tax on house or land imposed in respect of the house occupied by the tenant.

(3) Where, after the fair rent of a house has been fixed under this Act, there is a decrease or diminution in the accommodation or amenities provided, the tenant may claim a reduction in the fair rent as so fixed.

(4) Any dispute between the landlord and the tenant in regard to any increase or addition or reduction claimed under this section, shall be decided by the Controller.

Landlord not to claim or receive anything in excess of fair rent or agreed rent.

[1][**6.** (1) Where the Controller has determined the fair rent of a house—

(*a*) the landlord shall not claim, receive or stipulate for the payment of—

(i) any premium or other like sum in addition to such fair rent, or (ii) save as provided in section 5 of any rent in excess of such fair rent :

Provided that the landlord may receive, or stipulate for the payment of, an amount not exceeding two months' rent by way of advance ;

(*b*) save as provided in clause (*a*), any premium or other like sum or any rent paid in addition to, or in excess of such fair rent, whether before or after the commencement of this Act, in consideration of the grant, continuance or renewal of the tenancy of the house after such commencement, shall be refunded by the landlord to the person by whom it was paid or at the option of such person shall be otherwise adjusted by the landlord :

Provided that where before the determination of the fair rent, rent has been paid in excess thereof, the refund or adjustment shall be limited to the amount paid in excess for a period of one year immediately before such determination.

1. Substituted by Act 22 of 1954.

(2) Where the fair rent of a house has not been so determined—

(*a*) the landlord shall not, after the commencement of the Mysore House Rent and Accommodation Control (Amendment) Act, 1954, claim, receive or stipulate for the payment of, any premium or other like sum in addition to the agreed rent:

Provided that the landlord may receive, or stipulate for the payment of, an amount not exceeding two months' rent, by way of advance:

(*b*) save as provided in clause (*a*), any sum paid in excess of the agreed rent whether before or after the commencement of the Mysore House Rent and Accommodation Control (Amendment) Act, 1954, in consideration of the grant, continuance or renewal of the tenancy of the house after such commencement, shall be refunded by the landlord to the person by whom it was paid or at the option of such person, shall be otherwise adjusted by the landlord.

Explanation.— For the purpose of this sub-section 'agreed rent' shall, in respect of a house allotted under section 3, mean the rent specified by the Controller in the allotment order.

(3) Any stipulation in contravention of sub-section (1) or sub-section (2) shall be null and void.]

Issue of receipts for rent.

7. (1) Every landlord may and at the request of the tenant shall, at the time of receiving the rent, issue a written receipt to the tenant giving full particulars of the month to which the rent relates and the amount received.

(2) If any landlord fails to issue a receipt in accordance with sub-section (1), the tenant may remit to the landlord the rent on the date it falls due by postal money order deducting the money order commission.

(3) Nothing in sub-section (2) shall prevent the prosecution of any landlord in respect of a contravention of the provisions of sub-section (1).

Right of tenant to deposit rent in certain cases.

[1][**7-A.** (1) Where the address of the landlord or his authorised agent is not known to the tenant, or the

1. Sections 7A, 7B and 7C inserted by Act 22 of 1954.

landlord refuses to accept the rent remitted by postal money order under section 7, the tenant may deposit the rent lawfully payable to the landlord in respect of the house, together with such fee, as may be prescribed for the service of the notice referred to in sub-section (2), before the Controller and in such manner as may be prescribed and continue to deposit any rent, which may subsequently become due in respect of the house, together with the fees prescribed as aforesaid, before the Controller in the same manner until the address of the landlord or his authorised agent becomes known to the tenant, or until the landlord signifies by notice in writing to the tenant his willingness to accept any subsequent rent which becomes due in respect of the house, as the case may be.

(2) When any deposit is made under sub-section (1) the Controller shall cause notice of the deposit to be served by affixture at the last known place of residence of the landlord and in such other manner as may be prescribed; and the amount deposited may, subject to such conditions as may be prescribed, be withdrawn by the landlord on application made by him to the Controller in that behalf.

(3) (*a*) Where any *bona fide* doubt or dispute arises as to the person who is entitled to receive the rent for the house the tenant may deposit such rent before the Controller in such manner as may be prescribed and may continue to deposit any rent which may subsequently become due in respect of the house before the Controller in the same manner until the doubt is removed or the dispute is settled by the decision of a competent court or by a settlement between the parties or until the Controller makes an order under clause (*b*), as the case may be.

(*b*) If after such enquiry as he thinks fit, the Controller is not satisfied that a *bona fide* doubt or dispute exists in the matter he shall forthwith order payment of the amount deposited to the landlord.

(4) Where the Controller does not pass an order under clause (*b*) of sub-section (3) any amount or amounts deposited under sub-section (3) may be withdrawn only by the person who is declared by a competent court to be entitled thereto, or in case the doubt or dispute is removed by a settlement between the parties only by the person

who is held by the Controller to be entitled to the amount or amounts in accordance with such settlement.

Time for deposit and savings.

7-B. (1) No rent deposited under section 7-A shall be deemed to have been validly deposited under that section for purposes of sub-section (1) of section 7-C or clause (i) of sub-section (2) of section 8, unless deposited within fifteen days of the time fixed in the agreement of tenancy with the landlord for payment of the rent, or in the absence of such agreement unless deposited within fifteen days after the last day of the month next following that for which the rent was payable or within fifteen days from the date on which the rent remitted by postal money order is returned by the postal authorities as undelivered, as the case may be.

(2) If the rent is deposited within the time specified in sub-section (1), the deposit shall constitute a payment of rent to the landlord if the amount deposited would have been valid legal tender of rent if tendered to the landlord on the date fixed in the agreement of tenancy with the landlord for payment of rent, or in the absence of such agreement by the last day of the month next following that for which the rent is payable.

(3) The receipt of payment of rent deposited under section 7-A from the Controller, in the manner provided therein, shall not operate as an admission against the receiver of the correctness of the rate of rent, the amount due or of any other facts stated in the tenant's application depositing the rent under the said section, nor shall it operate as a waiver of any notice to quit given by him to the tenant.

Eviction of tenant in occupation of a house under an allotment order.

7-C. (1) When any tenant, who is in occupation of a house in pursuance of an allotment order made under the provisions of section 3 has not paid or tendered or deposited under section 7-A, the rent due by him in respect of the house for more than two months, the landlord may apply to the court for the eviction of the tenant.

(2) Every application under sub-section (1) shall contain the following particulars :—

(i) the name of the landlord and, where there are more landlords than one, the names of all the landlords ;

(ii) a sufficient description of the accommodation from which the tenant is to be evicted and a copy of the order of allotment;

(iii) the arrears claimed and the rate at which they are claimed;

(iv) where the fair rent has already been determined in proceedings under section 4, the fact that it has been so determined.

(3) On receipt of an application under sub-section (1) the court shall, without unnecessary delay, serve a notice on the tenant calling upon him to pay the amount of arrears within ten days of the service thereof, or to show cause within the said period why an order of his eviction from the house should not be made.

(4) If within the period specified in the notice under sub-section (3), the tenant deposits in the court the amount mentioned therein, the court shall dismiss the application and direct the amount deposited to be paid to the landlord in satisfaction of the arrears and shall make such order as to costs as may appear to it to be just and proper.

(5) (*a*) If within the period specified in the notice under sub-section (3) the tenant files an objection in the court, other than an objection as to costs of the proceedings merely, the court shall inform the landlord that he may, subject to the payment of court-fee within such time as may be specified by the court, have the application treated as a plaint in a suit for recovery of arrears of rent only :

Provided that no objection by a tenant shall be entertained unless he deposits in court the amount specified in the notice.

(*b*) If the landlord pays the necessary court-fee within the time specified by the court under clause (*a*), the application shall be treated as a plaint and the proceedings as a suit for recovery of the arrears of rent. If court-fee is not deposited as aforesaid, the proceedings shall be quashed without prejudice to the right of the applicant to institute appropriate proceedings for eviction of the tenant or recovery of arrears.

(6) If the tenant fails to act in accordance with the provisions of sub-section (4) or sub-section (5), the court

shall, notwithstanding anything to the contrary contained in section 8 or in the Transfer of Property Act, 1882 (Central Act IV of 1882), make an order directing the tenant to put the landlord in possession of the house.

(7) Any order made under sub-section (6) shall not be deemed in anyway to affect the question of title to the property to which it relates.

(8) If in proceedings under this section, the court finds that the application of the landlord or the objection by the tenant is frivolous or vexatious, it shall award as special costs to the tenant or the landlord, as the case may be, such sum not exceeding the amount of the claim, as the court may think fit.]

Eviction of tenants.

8. (1) [1][Notwithstanding anything contained in any agreement or law to the contrary, a tenant shall not be evicted] whether in execution of a decree or otherwise [2]** except in accordance with the [1][provisions of section 7-C or of this section :]

Provided that where the tenant denies the title of the landlord or claims right of permanent tenancy, the court shall decide whether the denial or claim is *bona fide* and if it records a finding to that effect, the landlord shall be entitled to sue for eviction of the tenant in a civil court of competent jurisdiction and the said civil court may pass a decree for eviction on any of the grounds mentioned in this section, notwithstanding that the said civil court finds that such denial does not involve forfeiture of the lease:

Provided further that nothing contained in this section shall apply to cases where a landlord has no right to evict under the terms of the lease and any law for the time being in force (other than this Act) governs such lease.

(2) A landlord who seeks to evict a tenant in possession shall apply to the court for a direction in that behalf. If the court, after giving the tenant a suitable

1. Substituted by Act 22 of 1954.
2. Certain words omitted by Act 22 of 1954.

opportunity of showing cause against such application, is satisfied—

(i) that the tenant has not tendered or paid [1][or deposited under section 7-A] the rent due by him in respect of the premises within the time fixed in the agreement of tenancy with the landlord [1][or in the absence of any such agreement, by the last day of the month next following that for which the rent is payable, or]

[2][(ii) * * *]

(iii) that the tenant has [3][in the absence of a contract with the landlord to the contrary] after the commencement of this Act without the written consent of the landlord—

(*a*) transferred his right under the lease or sublet the entire premises or any portion thereof ; or

(*b*) used the premises for a purpose other than that for which [1][they were] leased ; or

(iv) that the tenant has committed such acts of waste as are likely to impair materially the value or utility of the house ; or

(v) that the tenant has without the landlord's consent in writing erected on the house or any portion thereof any permanent structure ; or

(vi) that the tenant or any person residing with the tenant has been guilty of such acts and conduct as amounts to nuisance or annoyance to the adjoining or neighbouring occupiers or has been [4][*] using the house or allowing the house to be used for immoral or illegal purposes ; or

(vii) that the tenant has given notice to quit and in consequence of that notice the landlord has contracted to sell or let the house or has taken any other steps, as a result of which he would, in the opinion of the court be seriously prejudiced if he could not obtain possession of the house ; or

(viii) that the house was let to the tenant for use as a residence by reason of his being in the service or

1. Substituted by Act 22 of 1954.
2. Clause (ii) omitted by Act 22 of 1954.
3. Inserted by Act 22 of 1954.
4. The words "convicted of" omitted by Act 22 of 1954.

employment of the landlord, and that the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment ; or

(ix) that the house is reasonably and *bona fide* required by the landlord for carrying out repairs [1][or reconstruction] which cannot be carried out without the house being vacated ; or

(x) that where the house contains some vacant land such land is reasonably and *bona fide* required by the landlord for the erection of a new residential building ; or

(xi) that the house has not been used without reasonable cause for the purpose for which it was let for a continuous period of three months immediately preceding the date of application ; or

(xii) that the tenant, after the commencement of this Act, has built, acquired vacant possession of or been allotted a suitable house ; or

(xiii) that the tenant has denied the title of the landlord or claimed the right of permanent tenancy and that such denial or claim is not *bona fide* ;

the court shall make an order directing the tenant to put the landlord in possession of the house and if the court is not so satisfied, it shall make an order rejecting the application :

[2][Provided that in any case falling under clause (i), if the tenant satisfies the court that he had sufficient cause for the default to tender, pay or deposit the rent within the prescribed period, the court shall give the tenant a reasonable time, not exceeding three months, to pay the rent due by him to the landlord up to the date of such payment, with a sum not exceeding ten per centum thereon, as may be fixed by the court, and on such payment being made, the court shall make an order rejecting the application :

Provided further that in cases falling under clauses (i), (v), (viii), (ix) and (x), the court may give the tenant a reasonable time for putting the landlord in possession of

1. Inserted by Act 22 of 1954.
2. Added by Act 22 of 1954.

the house and may extend such time so as not to exceed three months in the aggregate :

Provided also that the court shall not give time under the preceding proviso unless the tenant deposits in court the rent for the period to be given to him to put the landlord in possession of the house.]

[1][(3) (*a*) A landlord may, subject to the provisions of clause (*d*) apply to the court for an order directing the tenant to put the landlord in possession of the house—

(i) in case it is a residential building, if the landlord requires it for his own occupation or for the occupation of a member of his family and if he or such member, as the case may be, is not occupying a residential building of his own in the city, town or village concerned ;

(ii) in case it is a non-residential building, if the landlord requires it for a business which he or a member of his family is carrying on and if for the purposes of the said business is not in occupation of a non-residential building which is owned by or to the possession of which the landlord or such member, as the case may be, is entitled whether under this Act or otherwise.

Explanation :—In this clause, with reference to a house held on behalf of a beneficiary by any trustee, executor, administrator, receiver or guardian, the house shall be deemed to be required for the occupation of the landlord, if it is required for the occupation of the beneficiary on whose behalf the house is so held :

Provided that a person who becomes a landlord after the commencement of the tenancy by an instrument *inter vivos* shall not be entitled to apply under this clause before the expiry of six months from the date on which the instrument was registered :

Provided further that where a landlord has obtained possession of a house for his own use or occupation or for the use or occupation of a member of his family under this clause he shall not be entitled to apply again under this clause—

(i) for possession of another residential building of his own for himself or for the same member of his

1. Substituted by Act 22 of 1954.

family, in case he has obtained possession of a residential building ;

(ii) for possession of another non-residential building of his own, for himself or for the same member of his family, in case he has obtained possession of a non-residential building.

(*b*) Where the landlord of a house, whether residential or non-residential, is a religious, charitable, educational or other public institution, it may, if the house is required for the purpose of the institution, apply to the court, subject to the provisions of clause (*d*), for an order directing the tenant to put the institution in possession of the house.

(*c*) A landlord who is occupying only a part of a house whether residential or non-residential, may, notwithstanding anything contained in clause (*a*), apply to the court for an order directing any tenant occupying the whole or any portion of the remaining part of the house to put the landlord in possession thereof, if he requires additional accommodation for residential purposes or for the purposes of a business which he is carrying on, as the case may be.

(*d*) Where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section before the expiry of such period.

(*e*) The court shall, if it is satisfied that the claim of the landlord is *bona fide*, make an order directing the tenant to put the landlord in possession of the house on such date as may be specified by the court and if the court is not so satisfied, it shall make an order rejecting the application :

Provided that, in the case of an application under clause (*c*), the court shall reject the application if it is satisfied that the hardship which may be caused to the tenant by granting it will outweigh the advantage to the landlord :

Provided further that the court may give the tenant a reasonable time for putting the landlord in possession of the house and may extend such time so as not to exceed three months in the aggregate :

Provided also that the court shall not give time under the preceding proviso unless the tenant deposits in court the rent for the period to be given to him to put the landlord in possession of the house.]

[1][(4) Where a house the possession of which is obtained by a landlord in pursuance of an order under sub-section (3) is not occupied by the landlord or by the member of his family concerned, within one month from the date of obtaining possession (or having so occupied it, the house is vacated without reasonable cause within six months of such date), the tenant who has been evicted may apply to the court for an order directing that he shall be restored to possession of the house and the court shall make an order accordingly :

Provided that this sub-section shall not apply to a house to which the provisions of section 3 apply.]

(5) (*a*) The court shall while passing an order of eviction on the ground specified in clause (ix) of sub-section (2) ascertain from the tenant whether he elects to be placed in occupation of the house or part thereof from which he is to be evicted and if the tenant so elects shall record the fact of such election in the order and specify in the order the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs [2][or reconstruction.]

(*b*) If the tenant delivers possession on or before the date specified in the order, the landlord shall, on the completion of work of repairs, [2][or reconstruction], place the tenant in occupation of the house or part thereof on the original terms and conditions without prejudice however to the landlord's claim for enhancement of rent, if any, admissible under this Act in view of the repairs [2][or reconstruction] effected to the house :

[3][Provided that—

(i) in the case of any house to which the provisions of section 3 are applicable, the original tenant shall not be placed in occupation without an allotment order of the Controller in favour of the said tenant ;

(ii) in the case of any house to which the provisions of section 3 are not applicable, the original tenant shall not be placed in occupation, if the said tenant has intimated the landlord in writing that he is not willing to occupy the house ;]

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1. Substituted by Act 22 of 1954.
2. Inserted by Act 22 of 1954.
3. Added by Act 22 of 1954.

(*c*) If, after the tenant had delivered possession on or before the date specified in the order, the landlord fails to commence the work of repairs within one month of the specified date or fails to complete the work within a reasonable time or having completed the work fails to place the tenant in occupation of premises in accordance with clause (*b*), the court may on the application of the tenant made within one year of the specified date order the landlord to place him in possession of the house or part thereof on the original terms and conditions and on such an order being made, the landlord or any person who may be in occupation shall give vacant possession to the tenant of the house or portion thereof.

(6) Where an order of eviction has been passed by the court on the ground specified in clause (x) of sub-section (2) and work of erection has not commenced within a period of one month from the date the landlord recovers possession of the house or the house is relet within one year of the said date to any person other than [1][an allottee under section 3 or the original tenant] [1][the court shall], on the application of the original tenant made within one year of such date, order the landlord to place him in occupation of the house on the original terms and conditions and on such order being made, the landlord and any person who may be in occupation of the house, shall give vacant possession to the original tenant.

(7) Where the court is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the court may direct that compensation not exceeding one hundred rupees be paid by such landlord to the tenant.

[2][(8) * * *]

(9) Where an application under sub-section (2) or sub-section (3) for evicting a tenant has been rejected by the court, the tenancy shall, subject to the provisions of this Act, be deemed to continue on the same terms and conditions as before and shall not be terminable by the landlord except on one or more of the grounds specified in sub-section (2) or sub-section (3) which have arisen after the filing of the last application.

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1. Substituted by Act 22 of 1954.
2. Omitted by Act 22 of 1954.

[(10) Notwithstanding anything contained in this section no person who is receiving or entitled to receive the rent of a house merely as an agent of the landlord shall, except with the previous written consent of the landlord, be entitled to apply for the eviction of a tenant.]

Deposit and payment of rent during the pendency of proceedings for eviction.

[1][8-A. (1) No tenant against whom an application for eviction has been made by a landlord under section 8, shall be entitled to contest the application before the court under that section, or to prefer or prosecute an appeal or revision petition under section 15 or section 17 against any order made by the court on an application under section 7-C or section 8 or an order passed by the District Judge on appeal, as the case may be, unless he has paid or pays to the landlord or deposits with the court or the District Judge, or the High Court, as the case may be, all arrears of rent due in respect of the house up to the date of payment or deposits and continues to pay or to deposit any rent which may subsequently become due in respect of the house at the rate at which it was last paid or agreed to be paid, until the termination of the proceedings before the court or the District Judge, or the High Court, as the case may be.

(2) The deposit of rent under sub-section (1) shall be made within the time and in the manner prescribed and shall be accompanied by such fee as may be prescribed for the service of the notice referred to in sub-section (5).

(3) Where there is any dispute as to the amount of rent to be paid or deposited under sub-section (1), the court shall, on application made to it either by the tenant or the landlord and after making such enquiry as it deems necessary, determine summarily the rent to be so paid or deposited.

(4) If any tenant fails to pay or deposit the rent as aforesaid, the Court, the District Judge or the High Court, as the case may be, shall, unless the tenant shows sufficient cause to the contrary, stop all further proceedings and make an order directing the tenant to put the landlord in possession of the house or dismiss the appeal or revision petition, as the case may be.

1. Inserted by Act 22 of 1954.

(5) When any deposit is made under sub-section (1), the court, the District Judge or the High Court, as the case may be, shall cause notice of the deposit to be served on the landlord in the prescribed manner, and the amount deposited may, subject to such conditions as may be prescribed, be withdrawn by the landlord on application made by him to the Court in this behalf.]

Landlord not to interfere with amenities enjoyed by the tenant.

9. (1) No landlord shall, without just or sufficient cause, cut off or withhold any of the amenities enjoyed by the tenant.

(2) A tenant in occupation of a house may, if the landlord has contravened the provisions of this section make an application to the court complaining of such contravention.

(3) If the court, on inquiry, finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause, it shall make an order directing the landlord to restore such amenities.

(4) The court may in its discretion direct that compensation not exceeding fifty rupees—

(*a*) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously ;

(*b*) be paid to the tenant by the landlord, if the landlord had cut off or withheld the amenities frivolously or vexatiously.

(5) If the tenant satisfies the court that the amenities were cut off or withheld with a view to compelling him to vacate the house or to pay an enhanced rent, the court may pass an interim order directing the landlord to restore the amenities pending inquiry referred to in sub-section (3), within such time as may be specified in the order and on his failure to do so, the tenant may effect such restoration and deduct the cost thereof from the rent or otherwise recover it from the landlord.

Execution of orders.

10. Every order made under section 8 or section 9 and every order passed on appeal under section 15 or in revision under section 17 shall be executed by the court

of the Munsiff having jurisdiction in such area as if it were a decree passed by it.

Decisions which have become final not to be reopened.

11. The court shall summarily reject any application under sub-section (2) or under sub-section (3) of section 8 which raises between the same parties or between parties under whom they or any of them claim, substantially the same issues as have been finally decided in a former proceeding under the Mysore House Rent Control Order, 1945, or under the Mysore House Rent and Accommodation Control Order, 1948, or under this Act.

Conversion of residential houses.

12. Save as otherwise provided in this Act, no residential house, shall be converted into a non-residential house except with the permission in writing of the Controller.

Landlord's duty to keep house in good repair.

13. (1) The landlord shall be bound to keep in good and tenantable repair any house to which this Act applies.

(2) If the landlord neglects to make, within a reasonable time after notice, any repairs which he is bound to make under sub-section (1), the tenant may make the same himself, and deduct the expenses of such repairs from the rent, or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable in any year, shall not exceed one-twelfth of the rent payable by the tenant for that year.

Orders to be pronounced in open court.

14. Every order passed by a court or the Controller under this Act, shall be pronounced in open court on the day on which the case is finally heard, or on some future day of which due notice shall be given to the parties.

Appeal to the District Judge.

15. (1) (*a*) Except in respect of orders under section 23, any person aggrieved by an order [1][under sub-section (3) of section 3, sub-section (2) of section 3-A, sub-section (2) of section 3-B, sub-section (1) of section 4, sub-section (4) of section 5, sub-section (6) of section 7-C, sub-sections (2), (3) (*e*), (4), (5) (*c*) and (6) of section 8 or sub-section (3) of section 9], passed by the court or the Controller may,

1. Inserted by Act 22 of 1954.

within fifteen days from the date of the order, prefer an appeal in writing to the District Judge having jurisdiction over the area in which the house is situate.

In computing the fifteen days aforesaid, the time taken to obtain a certified copy of the order appealed against shall be excluded.

[1][Provided that no person other than the landlord of the house shall be entitled to appeal against an allotment order under section 3.]

(*b*) The provisions of section 5 of the [2][Indian Limitation Act, 1908] shall be applicable to appeals under this section.

(2) On such appeal being preferred, the District Judge may order stay of further proceedings in the matter pending decision on the appeal.

(3) The District Judge shall send for the records of the case from the court or the Controller, as the case may be, and after giving the parties an opportunity of being heard and, if necessary, after making such further inquiry as he thinks fit, either personally or through the court or the Controller, as the case may be, shall decide the appeal.

Explanation.—The District Judge may, while confirming the order of eviction passed by the court, grant extension of time to the tenant for putting the landlord in possession of the building.

(4) Subject to any decision of the High Court under section 17, the decision of the District Judge shall be final; and an order of the court or the Controller shall, subject to the decision of the District Judge under this section or of the High Court under section 17, be final and shall not be liable to be called in question in any court of law whether in a suit or other proceedings or by way of appeal or revision.

Costs.

16. Subject to such conditions and limitations, if any, as may be prescribed, the costs of and incident to all proceedings before the court, the Controller or the District Judge shall be in the discretion of the court,

1. Added by Act 22 of 1954.
2. Substituted by Act 22 of 1954

Controller or the District Judge who shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purpose.

Explanation.—The District Judge may set aside or vary any order passed by the court or the Controller in regard to the costs of and incident to the proceedings before him.

Revision by the High Court.

17. (1) Except in respect of orders under section 23, the High Court may, at any time, call for and examine the records relating to any decision given or proceeding taken by the District Judge or any order passed or proceeding taken by the court or the Controller under this Act, for the purpose of satisfying itself as to the legality or correctness of such decision, order or proceeding and may pass such order in reference thereto as it thinks fit.

[1][Provided that the powers conferred by this sub-section shall not be exercisable in any case in which an appeal lies under section 15, unless the Controller or the court or the District Judge appears—

(i) to have exercised a jurisdiction not vested in him or it ; or

(ii) to have failed to exercise his or its jurisdiction so vested ; or

(iii) to have acted in the exercise of his or its jurisdiction illegally or with material irregularity.]

(2) The costs of and incident to all proceedings before the High Court shall be in its discretion.

Orders under the Act to be binding on sub-tenants.

18. Any order for the eviction of a tenant passed under this Act, shall be binding on all sub-tenants under such tenant, whether they were parties to the proceedings or not, provided that such order was not obtained by fraud or collusion.

Proceedings by or against legal representatives.

19. (1) Any application made, appeal preferred, or proceeding taken, under this Act by or against any person, may, in the event of his death, be continued by or against his legal representatives.

1. Added by Act 22 of 1954.

(2) Where any application, appeal or other proceeding could have been made, preferred or taken under this Act by or against any person, such application, appeal or other proceeding may, in the event of his death, be made, preferred or taken by or against his legal representatives.

Exemptions.

20. Notwithstanding anything contained in this Act, the State Government may, by notification in the *Mysore Gazette*, exempt any house or class of houses from all or any of the provisions of this Act.

Local authorities to furnish certified extracts from property tax assessment books.

21. Every local authority shall, on application made in this behalf and on payment of such fee, as may, from time to time, be fixed by the State Government by notification in the *Mysore Gazette*, grant to the applicant a certified copy of the extract from the property tax assessment book of the local authority showing the rental value of the house or houses in respect of which application has been made, relating to the period specified in the application. Such certified copy shall be received as evidence of the facts stated therein, in proceedings under this Act.

Landlord and tenant to furnish particulars.

22. Every landlord and every tenant of a house shall be bound to furnish to the Controller or any person authorised by him in that behalf, such particulars in respect of the house as may be prescribed.

Power to evict from Government buildings.

23. (1) If the Controller is satisfied—

(*a*) that the person authorised to occupy any Government building has sublet, without the permission of the State Government or any officer empowered in this behalf by the State Government or the Controller, the whole or any part of such building, or has otherwise acted in contravention of the terms, express or implied under which he is authorised to occupy such building, or

(*b*) that any person is in unauthorised occupation of any Government building,

the Controller may, by notice served by post or otherwise, order that that person as well as any other person who may be in occupation of the whole or any part of the building, shall vacate it within ten days of the service of the notice.

Explanation.—In this sub-section, "Government building" means any house belonging to, or taken on lease or requisitioned by the State Government.

(2) If any person refuses or fails to comply with an order made under sub-section (1), without prejudice to any other action against such person, the Controller may evict that person from, and take possession of, the house and may for that purpose use such force as may be necessary.

(3) Any person aggrieved by an order under sub-section (1), may, within seven days of the receipt thereof, appeal in writing to the State Government, who may, after calling for a report from the Controller and after making such further enquiry, if any, as they think fit, pass an order determining the appeal.

(4) Action may be taken under this section whether or not any proceedings for possession are pending in respect of the house and upon such action being taken, the said proceedings shall forthwith be vacated.

Penalties.

24. (1) If any person contravenes [1][sub-sections (1), (2), (4), (5) and (6) of section 3, any order under sub-section (3) of section 3, sub-section (3) of section 3-A, sub-section (1) of section 3-B, sub-section (2) of section 5, sub-sections (1) (*a*) and (2) (*a*) of section 6], sub-section (1) of section 7, sub-section (1) of section 8, sub-section (1) of section 9, section 12, section 22 or any order under sub-section (1) of section 23, he shall be punishable with fine which may extend to two thousand rupees.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, [1][1898], it shall be lawful for any magistrate of the first class, specially empowered by the State Government in this behalf, to pass a sentence of fine exceeding one thousand rupees when awarding punishment under sub-section (1), or for the contravention of any rule made punishable under sub-section (3) of section 25.

Protection for action taken in good faith.

[2][**24-A.** (1) No suit, prosecution or other legal proceeding shall lie against any officer or servant of the

1. Substituted by Act 22 of 1954.
2. Inserted by Act 22 of 1954.

State Government or any person acting under his direction or assisting him for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or of orders made thereunder.]

Power to make rules.

25. (1) The State Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the procedure to be followed by the Controllers, the courts and the District Judges in the performance of their functions under this Act;

[1][(*aa*) the order of priority to be observed by the Controller in selecting a tenant under clause (*a*) of sub-section (3) of section 3;]

(*b*) the manner in which intimation, notices and orders under this Act shall be given or served;

(*c*) setting aside *ex parte* orders passed under this Act [2][and the time within which applications for setting aside such orders;]

(*d*) applications for making legal representatives of deceased persons parties to proceedings under this Act and the time within which such applications shall be preferred;

(*e*) imposition of the levy of fees in respect of applications, petitions, memo of appeal and other processes under this Act.

(3) In making a rule under this section, the State Government may provide that a person who contravenes any of the provisions thereof shall be punishable with fine which may extend to two thousand rupees.

(4) All rules made under this section shall be published in the *Mysore Gazette*, and upon such publication shall have effect as if enacted in this Act.

1. Inserted by Act 22 of 1954.
2. Added by Act 22 of 1954.

Code of Civil Procedure to be followed in proceedings under the Act.

26. In matters not specifically provided for by this Act or by rules made thereunder, the provisions of the Code of Civil Procedure, [1][1908], shall be followed as far as possible in proceedings under this Act.

Continuance in force of existing proceedings, orders, etc.;

27. (1) All proceedings commenced and all actions taken under the Mysore House Rent and Accommodation Control Order, 1948, and pending at the commencement of this Act, shall, so far as may be, be deemed to have been commenced or taken under the corresponding provisions of this Act and be continued subject to the provisions thereof.

(2) All orders passed and all decisions given under the Mysore House Rent Control Order, 1945, or the Mysore House Rent and Accommodation Control Order, 1948, and in which fair rent has been fixed shall continue in force until they are superseded or modified under this Act by the authority competent to do so.

Amendment of Schedules.

28. The Government may, by notification in the *Mysore Gazette*, add to or omit or otherwise amend the schedules to this Act.

Repeal.

29. The Mysore House Rent and Accommodation Control Order, 1948, is hereby repealed.

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1. Substituted by Act 22 of 1954.

FIRST SCHEDULE.

[*See* Section 2 (4)].

1. Cities of Bangalore, Mysore and Davangere.
2. Ramachandrapuram Extension near the City of Bangalore.
3. The Kolar Gold Fields Sanitary Board Area.
4. The Towns of Kolar, Tumkur, Chitaldrug, Shimoga, Chikmagalur, Hassan, Mandya, Bangarpet, Chintamani, Chikballapur, Tiptur, Harihar, Sagar, Arsikere, Saklespur, Nanjangud and Bhadravati (old).

SECOND SCHEDULE.

[*See* Section 3 (1)].

1. Cities of Bangalore, Mysore and Davangere.
2. Ramachandrapuram Extension near the City of Bangalore.
3. The Towns of Kolar, Tumkur, Chitaldrug, Shimoga, Chikmagalur, Hassan and Mandya.